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 11 *Attorneys for Defendant Clark County Education
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13
 14 **UNITED STATES DISTRICT COURT**
 15
 16 **DISTRICT OF NEVADA**

17
 18 JOHN and JOANN DOE, parents and natural
 19 guardians of JANE DOE, a minor,

Case No.

20
 21 Plaintiff,

22
**JOINT NOTICE
 23 OF REMOVAL**

24
 25 v.
 26 CLARK COUNTY SCHOOL DISTRICT;
 27 CLARK COUNTY EDUCATION
 28 ASSOCIATION; DARRYL L. LANCASTER;
 KEMALA WASHINGTON,

Defendants.

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TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

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 31 Under 28 U.S.C. §§ 1331, 1367, 1441, and 1446, defendants Clark County School District
 32 (“CCSD”), Clark County Education Association (“CCEA”), Darryl L. Lancaster (“Lancaster”), and
 33 Kemala Washington (“Washington”) (collectively, “Defendants”) remove this action, *John Doe*
 34 and *Jane Doe v. Clark County School District, et al.*, No. A-24-884473-C, originally filed in the
 35 Eighth Judicial District Court for Clark County, Nevada, where it is now pending, to the United
 36 States District Court for the District of Nevada. Removal is warranted because this Court has
 37 federal-question jurisdiction over the plaintiffs’ claim arising under 20 U.S.C. § 1681, *et seq.*
 38 (Title IX of the Educational Amendments of 1972) and 42 U.S.C. § 1983, supplemental
 39 jurisdiction over the plaintiffs’ state-law claims, and all other removal requirements are satisfied.

1 **I. Compliance with Statutory Requirements**

2 **A. Summary of Pleadings**

3 Plaintiffs John and Joann Doe, parents and natural guardians of Jane Doe, filed their
4 complaint in the Eighth Judicial District Court on January 3, 2024, **Exhibit A** (complaint), which
5 they served on Defendant Darryl L. Lancaster on January 23, 2024, Defendant CCEA on January
6 24, 2024, Defendant Washington on January 25, 2024, and Defendant CCSD on January 26, 2024,
7 **Exhibit B** (summonses and affidavits of service). Plaintiffs filed an Initial Appearance Fee
8 Disclosure on January 3, 2024. **Exhibit C**. No other pleadings have been filed.

9 **B. Nature of Complaint**

10 Plaintiffs John and Joann Doe allege that their minor daughter, Jane Doe, is a student at a
11 CCSD middle school in Clark County, Nevada, at which Washington is the principal. Ex. 1 ¶ 1.
12 They further allege that Lancaster was a CCSD teacher and CCEA member who worked at
13 Jane Doe's middle school. Ex. 1 ¶ 46. During his employment, Lancaster allegedly "used his
14 position of trust and authority over JANE DOE to groom, sexually harass, batter, inappropriately
15 touch, molest, and abuse her." *Id.* Plaintiffs further allege that "Defendants' employees and
16 members, including but not limited to WASHINGTON, knew or should have known of
17 LANCASTER's abuse of JANE DOE, but due to their lack of training they failed to recognize
18 those signs and/or intentionally covered up those signs." *Id* at ¶ 53.

19 Based on these allegations, Plaintiffs claim that **all Defendants** violated Jane Doe's federal
20 rights under Title IX of the Educational Amendments of 1972 and the Fourteenth Amendment to
21 the U.S. Constitution, as actionable under 42 U.S.C. § 1983. *Id.* at ¶¶ 105–21. Plaintiff further
22 assert several state-law causes of action based on the foregoing alleged conduct, including sexual
23 assault (Lancaster and CCSD, only); assault and battery (Lancaster and CCSD, only); injury
24 suffered by victim of pornography involving a minor, NRS § 41.1396, (Lancaster, only); action by
25 victim of sexual assault under NRS § 41.13965 (CCSD, CCEA, and Washington), intentional
26 infliction of emotional distress (all Defendants); negligent infliction of emotional distress (all
27 Defendants); negligence (all Defendants); and negligent hiring/training/retention/supervision
28 (CCSD, CCEA, and Washington). *Id.* at ¶¶ 112–77.

1 **C. Timeliness of removal**

2 A notice of removal must be filed within thirty days after the defendant receives “a copy of
 3 the initial pleading setting forth the claim for relief upon which such action . . . is based.” 28 U.S.C.
 4 § 1446(b)(1). Each of the Defendants first received a copy of the initial pleading upon Plaintiffs’
 5 service of Summons and Complaint as identified in section I.A. above, with first service having
 6 been made on January 23, 2024, , making the earliest removal deadline February 22, 2024. This
 7 Notice of Removal is timely as it has been filed within thirty days of service of the initial Complaint
 8 on any one of the Defendants. 28 U.S.C. § 1446(b).

9 **II. Statement of Jurisdiction and Venue**

10 Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district
 11 courts of the United States have original jurisdiction, may be removed by the defendant . . . to the
 12 district court of the United States for the district and division embracing the place where such action
 13 is pending.” This action is removable under Section 1441(a) because the district court has original
 14 federal-question jurisdiction under 28 U.S.C. § 133, and supplemental jurisdiction under 28 U.S.C.
 15 § 1367, and venue is proper in the District of Nevada.

16 Venue is proper in the District of Nevada because it is the “district and division embracing
 17 the place where [this] action is pending.” 28 U.S.C. § 1441(a).

18 **III. Conclusion**

19 This action is properly removed to this Court because Defendants timely filed their petition
 20 for removal, which demonstrates that this Court has jurisdiction over the action. In filing this
 21 petition, Defendants do not waive, and specifically reserve, all defenses, exceptions, rights and
 22 motions to the complaint. No statement or omission shall be deemed to constitute an admission by
 23 Defendants of any of the allegations or damages sought in the complaint.

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1 Dated: February 9, 2024.

2 SNELL & WILMER L.L.P.

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Dated: February 9, 2024.

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11 Dated: February 9, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2024, I electronically filed the foregoing **JOINT NOTICE OF REMOVAL** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED February 9, 2024.

/s/ Debbie Shuta
An Employee of Snell & Wilmer L.L.P.

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INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A.	Complaint
B.	Summons and Affidavits of Service
C.	Initial Appearance Fee Disclosure

4885-8447-1971

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